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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,825	12/07/2001	Yasuo Shibusawa	TMI-109	7759
24956 7590 05/14/2008 MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314				
EXAMINER WANG, JUE S				
ART UNIT 2193		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/004,825

Applicant(s)

SHIBUSAWA ET AL.

Examiner

JUE S. WANG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11 and 16-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-8, 11, 16-23 have been examined.
2. Claims 9-10 and 12-15 have been cancelled.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8, 11, and 16-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Philyaw (US 6,725,260 B1).

5. As per claim 1, Philyaw teaches the invention as claimed, including a method for installing software in a user's computer, the method comprising:

storing identification information of the user's computer system and first system configuration information, associated with the identification information, indicating hardware components of the user's computer system (see Fig 32B, column 28, lines 40-60, column 29, lines 8-21, column 39, lines 4-24);

storing software components required for operation of the hardware components of the user's computer system (see Fig 25, items 2506, 2510, Fig 27B, steps 2732-2736, column 28, lines 40-60, column 29, lines 8-21; EN: the vws databases store the software components);

accepting from the user's computer system the identification information of the user's computer system and second system configuration information collected by the user's computer system indicating hardware components of the user's computer system (see Fig 28A, steps 2806, 2808, column 26, lines 30-33, 45-48, column 30, lines 41-53; EN: the user ID is the identification of the user's computer system and the MRC ID and firmware code are the second system configuration information); and

sending, to the user's computer system, the software components required for operation of the hardware components of the user's computer system that are determined from both the stored first computer system configuration information associated with the accepted identification information and the second accepted system configuration information (see Fig 27B, steps 2732-2742, Fig 28B, step 2830, column 26, line 50 - column 27, line 4, column 29, lines 8-16, column 31, lines 34-36; EN: the user profile in the VRS database and the MRC ID and firmware code are used to determine the appropriate software component); and

managing the first system configuration information so as to update the first system configuration information with the second system configuration information (see Fig 27B, step 2742, Fig 28B, step 2830, column 29, lines 48-55, column 31, line 62 - column 32, line 1, column 34, lines 52-57, column 35, lines 10-14).

6. As per claim 2, Philyaw further teaches managing for an individual user, a fee for the software sent to the user's computer system; and collecting the fee from the user (i.e., retrieve the necessary software code and/or configuration data to configure the user PC to the respective level of prepaid service, see column 43, lines 57-66).

7. As per claim 3, Philyaw further teaches a system for installing software in a user's computer comprising:

a first database for storing software components required for operation of hardware components of a computer system (see Fig 25, items 2506, 2510, Fig 27B, steps 2732-2736, column 28, lines 40-60, column 29, lines 8-21; EN: the vws database stores the software components);

a second database for storing identification information for identifying a computer system supplied to a user, and first system configuration information associated with the identification information indicating hardware components of the computer system (see Fig 32B, column 28, lines 40-60, column 29, lines 8-21, column 39, lines 4-24);

accepting means for accepting from the user's computer system the identification information given to the user's computer system and second system configuration information collected by the user's computer system indicating hardware components of the user's computer system (see Fig 28A, steps 2806, 2808, column 26, lines 30-33, 45-48, column 30, lines 41-53; EN: the user ID is the identification of the user's computer system and the MRC ID and firmware code are the second system configuration information);

first determining means for determining system configuration information which corresponds to the accepted identification information, with reference to the second database (see column 30, lines 48-50, column 39, lines 4-24; EN: the user ID is used to determine the user profile);

second determining means for determining software components required for operation of the hardware components indicated both in the first system configuration information and in

the accepted second system configuration information, with reference to the first database (see Fig 27B, steps 2732-2736, column 26, line 50 - column 27, line 4, column 29, lines 8-16; EN: the user profile in the VRS database and the MRC ID and firmware code are used to determine the appropriate software component); and

sending means for sending the determined software components to the user's computer system (see Fig 27B, step 2742, Fig 28B, step 2830, column 31, lines 34-36); and

managing means for managing the first system configuration information stored in the second database so as to update the first system configuration information with the second system configuration information (see Fig 27B, step 2742, Fig 28B, step 2830, column 29, lines 48-55, column 31, line 62 - column 32, line 1, column 34, lines 52-57, column 35, lines 10-14).

8. As per claim 4, Philyaw further teaches the invention as claimed, including a method for installing software in a user's computer, the method comprising the steps of:

sending identification information identifying a first computer system and second system configuration information collected by the first computer system indicating hardware components of the first computer system to a second computer system (see Fig 28A, steps 2806, 2808, column 26, lines 30-33, 45-48, column 30, lines 41-53; EN: the user ID is the identification of the user's computer system and the MRC ID and firmware code are the second system configuration information);

accepting, in response to the above step, at least one software component required for operation of at least one hardware component of the first computer system, which is indicated in both the first system configuration information stored in the second computer which corresponds

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to the identification information sent from the first computer system and the second system configuration information sent by said first computer system (see Fig 27B, steps 2732-2742, Fig 28B, step 2830, column 26, line 50 - column 27, line 4, column 29, lines 8-16, column 31, lines 34-36; EN: the user profile in the VRS database and the MRC ID and firmware code are used to determine the appropriate software component); and

conducting setup processing in order to make the at least one software component accepted in the accepting step into an executable state in the first computer (see column 31, lines 39-45); and

managing means for managing the first system configuration information stored in the second database so as to update the first system configuration information with the second system configuration information (see Fig 27B, step 2742, Fig 28B, step 2830, column 29, lines 48-55, column 31, line 62 - column 32, line 1, column 34, lines 52-57, column 35, lines 10-14).

9. As per claim 5, Philyaw further teaches wherein the first computer system reads and executes a specified installation software which is stored in the specified storage medium (see column 31, lines 39-45).

10. As per claim 6, Philyaw further teaches a step of storing the at least one software component which the first computer system receives from the second computer system (see column 31, lines 35-45).

11. As per claim 7, this is a storage medium claim with limitations that are substantially similar to claim 4. Therefore, it is rejected using the same reasons as claim 4.

12. As per claim 8, Philyaw teaches the invention as claimed, including an installation system for a client/server system comprising a first computer system and a second computer system, by which software is installed onto the first computer system (see Fig 25),

wherein the first computer system (i.e., the user pc, see Fig 25, item 302, Fig 31, column 35, lines 15-35) comprises:

means for storing identification information for identifying the first computer system (see column 30, lines 48-50);

means for collecting first system configuration information by the first computer system indicating hardware components of the first computer system (see Fig 28A, step 2806, column 25, lines 16-26, column 26, lines 30-33, column 30, lines 31-44; EN: the MRC ID and the firmware code indicate hardware components);

means for connecting the first computer system to the second computer system and for sending the identification information and the first system configuration information to the second computer system, in accordance with recovery instructions (see Fig 28A, steps 2806, 2808, column 30, lines 41-57), and

first accepting means for accepting at least one software component sent from the second computer system (see Fig 28B, step 2830, column 31, lines 35-36), and

wherein the second computer system (see Fig 25, column 25, line 41 – column 26, line 25; EN: the VRS and VWS servers are considered as the second computer system since a computer system may consists of several interconnected systems):

a first database for storing software components required for operation of hardware components of the first computer system (see Fig 25, items 2506, 2510, Fig 27B, steps 2732-2736, column 28, lines 40-60, column 29, lines 8-21; EN: the vws database stores the software components);

a second database for storing the identification information for identifying the first computer system, and second system configuration information indicating the hardware components of the first computer system (see Fig 32B, column 28, lines 40-60, column 29, lines 8-21, column 39, lines 4-24);

accepting means for accepting, from the first computer system, the identification information of the first computer system (see Fig 28A, steps 2806, 2808, column 26, lines 30-33, 45-48, column 30, lines 41-53);

first determining means for determining the second system configuration information which corresponds to the accepted identification information, with reference to the second database (see column 30, lines 48-50, column 39, lines 4-24; EN: the user ID is used to determine the user profile);

second determining means for determining the software components required for operation of the hardware components of the first computer system indicated in both the first and second system configuration information, with reference to the first database (see Fig 27B, steps 2732-2736, column 26, line 50 - column 27, line 4, column 29, lines 8-16; EN: the user profile in

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the VRS database and the MRC ID and firmware code are used to determine the appropriate software component);

sending means for sending the determined software components to the first computer system (see Fig 27B, step 2742, Fig 28B, step 2830, column 31, lines 34-36); and

managing means for managing the second system configuration information stored in the second database so as to update the second system configuration information with the first system configuration information (see Fig 27B, step 2742, Fig 28B, step 2830, column 29, lines 48-55, column 31, line 62 - column 32, line 1, column 34, lines 52-57, column 35, lines 10-14).

13. As per claim 11, the limitations recited in this claim are substantially similar to claim 3. Therefore, it is rejected using the same reasons as claim 3.

14. As per claim 16, the limitations recited in this claim are substantially similar to claim 8. Therefore, it is rejected using the same reasons as claim 8.

15. As per claim 17, Philyaw further teaches wherein the software components are device drivers and the hardware components are peripheral devices of the computer system (see column 24, lines 47-55, column 25, lines 16-26).

16. As per claims 18-23, the limitations recited in each of these claims are substantially similar to claim 17. Therefore, they are rejected using the same reasons as claim 17.

Response to Arguments

17. Rejection of Claims under 35 U.S.C. §103(a):
18. As per independent claims 1, 3, 4, 7, 8, 11, and 16, Applicants' arguments have been fully considered and are moot in light of the new grounds of rejection.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Imai et al., (US 5,717,930) is cited to teach an installation system that facilitates the operation on computer terminals in the network system and allows for automatic installation of an operating system software program on computer terminals.
 - Davis et al., (US 6,282,712 B1) is cited to teach automatic software installation on heterogeneous networked computer systems.
 - Angelo et al., (US 6,633,978 B1) is cited to teach a method of restoring computer resources.
 - Henry et al., (US 6,681,392 B1) is cited to teach a method for remote peripheral software installation.
20. Applicants' amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jue S. Wang whose telephone number is (571) 270-1655. The examiner can normally be reached on M-Th 7:30 am - 5:00pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on 571-272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lewis A. Bullock, Jr./
Supervisory Patent Examiner, Art Unit 2193

Jue Wang
Examiner
Art Unit 2193